

EAST PLEASANT STREET ZONING VIOLATIONS – CHRONOLOGY

August, 2007 Andy Beall contacted Larry Shaffer about rental parking issues on several properties on East Pleasant Street. Despite his letter and his conversations with Mr. Shaffer, **nothing is done about the problems.**

September, 2007 – May, 2008 New residents of 219 East Pleasant Street are much rowdier than usual. They hold frequent parties; shout and yell to each other and visitors, especially in the early morning hours (1-2 A.M.); and constantly play loud music. They consistently have four or five cars parked in the driveway and leave copious amounts of trash on the street during pickup.

April 1, 2008 Kerry Strayer sent a letter to Bonnie Weeks (cc: to Larry Shaffer) requesting that the town investigate 219 East Pleasant Street for possible zoning bylaw violations – more than four unrelated individuals living at the property, violation of the town parking bylaw, and violation of the town noise bylaw. (Although a response must be sent by the town within 14 days of receiving a zoning complaint, a letter was not sent to the landlords by Ms. Weeks until May 16, 2008.) A letter was also sent to Chief Scherpa regarding noise violations.

April 1 or 2, 2008 Andy Beall discussed issues regarding 219 East Pleasant Street with Larry Shaffer and Bonnie Weeks, and is promised a telephone call with an update. **Two weeks later, Mr. Beall had yet to receive a telephone call.**

April 3, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks updating her on continuing zoning violations and trash issues at 219 East Pleasant Street and parking violations at 265 East Pleasant Street.

April 4, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks updating her on continuing zoning violations at 219 East Pleasant Street.

April 7, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks updating her on continuing zoning violations at 219 East Pleasant Street.

April 7, 2008 Larry Shaffer sent an e-mail to Kerry Strayer stating that Bonnie Weeks is to “inspect and take all appropriate actions” concerning the zoning violations at 219 East Pleasant Street.

April 13, 2008 After an exceptionally noisy party, police arrest four individuals at 219 East Pleasant Street for violating the town noise bylaw.

April 15, 2008 Kerry Strayer spoke to the Records Department at the Amherst Police Department. From January, 2003, through April 15, 2008, the Amherst Police Department had responded to 219 East Pleasant Street on 19 separate occasions for 14

noise violations, 1 traffic incident, 2 suspicious person reports, and 2 incidents of breaking and entering.

April 18, 2008 Kerry Strayer calls Bonnie Weeks, requesting an update on the town's action regarding his April 1, 2008 letter. Ms. Weeks was not in, and Mr. Strayer left a message to call. **The call was never returned.**

April 30, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks, with a cc: to David Ziomek and Larry Shaffer. Later that day, Mr. Strayer received a telephone call from Mr. Ziomek at the request of Mr. Shaffer. He advised Mr. Strayer that he spoke with Ms. Weeks and that she would be contacting Mr. Strayer concerning her efforts to address his issues. Ms. Weeks called Mr. Strayer and advised him she would be sending out a letter warning landlords of 219 East Pleasant Street not to rent to more than four individuals.

May 14, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks inquiring about the status of the letter to the landlords of 219 East Pleasant Street.

May 16, 2008 Bonnie Weeks sent an e-mail to Kerry Strayer with an attachment of a copy of a cease and desist letter sent to the landlords of 219 East Pleasant Street.

May 18, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks thanking her for sending out the letter, and requesting to be kept advised of her progress. **There is no further communication from the town concerning the May, 2008 cease and desist letter; this letter was never enforced.**

September, 2008 A new school year begins. New residents of 227 East Pleasant Street are now violating the town's parking bylaw, and the new residents of 219 East Pleasant Street are also violating the town's parking bylaw, as are 265 and 289.

November 11, 2008 A letter is sent signed by three residents to Bonnie Weeks requesting that the town enforce the zoning bylaws against 219, 227, 265, and 289 East Pleasant Street. Shortly thereafter, a petition signed by an additional 12 residents is forwarded to Ms. Weeks.

November 27 or 28, 2008 Residents of 219 East Pleasant Street are arrested for violating the noise bylaw.

December 3, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks, advising her that it has been 3 weeks since the November 11, 2008 letter and petition, and requested that notifications be sent to the landlords by December 5.

December 4, 2008 Larry Shaffer called Kerry Strayer and left a message suggesting that a meeting be held to discuss the bylaw violations. Mr. Strayer sent an e-mail to Mr. Shaffer and stated that a meeting is not necessary, as the town is required to take action, and requested Mr. Shaffer call him if he wants to further discuss the matter.

December 6, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks about two more parking violations; **no response is received.**

December 19, 2008 Kerry Strayer sent an e-mail to Bonnie Weeks about 3 additional parking violations; **no response is received.**

January 1 or 2, 2009 219 East Pleasant Street is robbed. One of the front windows is broken in the robbery attempt. (As of March 16, 2009, the window has not been repaired and remains boarded up.)

January 7, 2009 Kerry Strayer contacted Daily Hampshire Gazette about East Pleasant Street zoning bylaw violations and the town's lack of a response.

January 8, 2009 Nick Grabbe of the Daily Hampshire Gazette contacted Larry Shaffer to discuss situation.

January 8, 2009 Bonnie Weeks sent a cease and desist letter to landlords of 219 East Pleasant Street dated January 8, 2009; she does not send a copy of the letter to Mr. Strayer. (See February 11, 2009.)

January 10, 2009 Article on East Pleasant Street bylaw violations appeared in Daily Hampshire Gazette.

January 23, 2009 As the town of Amherst had not responded to November 11, 2008 letter, Kerry Strayer sent public records information request to town of Amherst, requesting copies of correspondence between Amherst and landlords of East Pleasant rental properties.

February 5, 2009 Kerry Strayer sent an e-mail to Larry Shaffer and Bonnie Weeks requesting a status on the public records request, which should have been sent within ten days of the request per statute. Mr. Strayer was advised that the response would be available shortly.

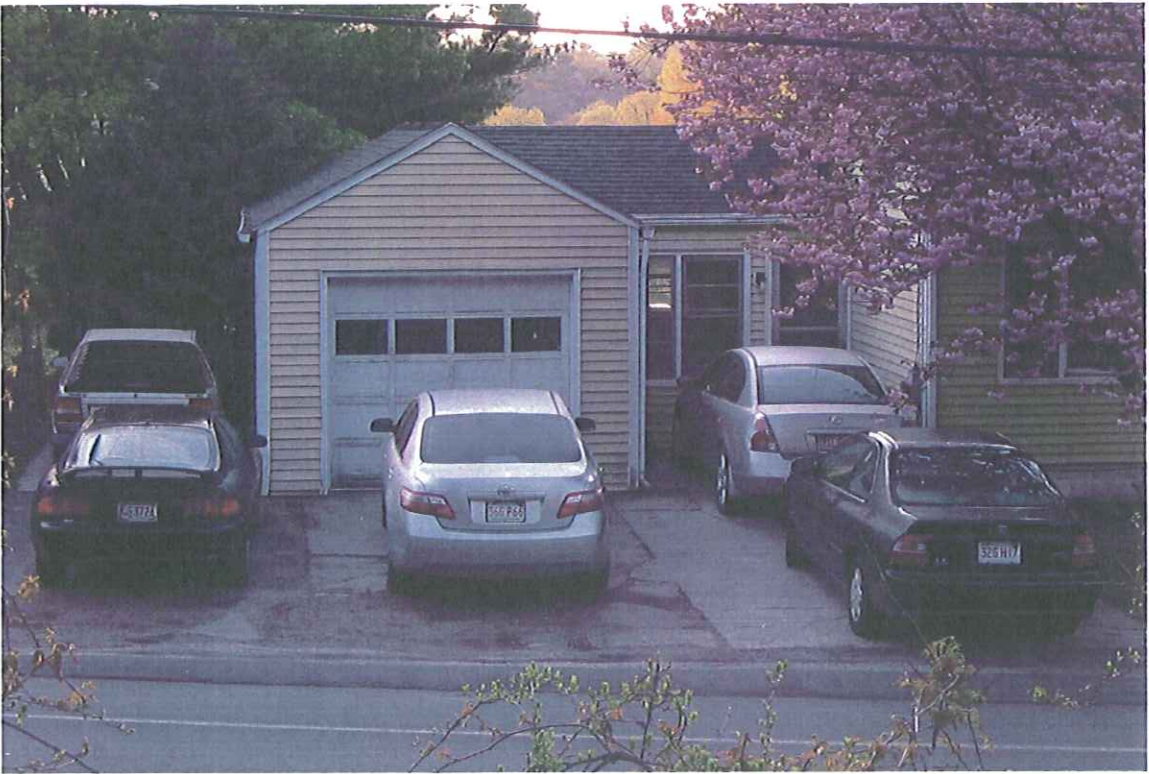
February 11, 2009 Kerry Strayer picked up the response to the public records request at the Town Manager's office. The response included a January 9, 2009 cease and desist letter sent by Bonnie Weeks to the landlords of 219 East Pleasant Street. **A copy of the January 9, 2009 letter had not previously been sent to Mr. Strayer.**

February 13, 2009 Kerry Strayer called Bonnie Weeks to discuss her letter, to find out why the town did not follow up on the May, 2008 cease and desist letter, to find out if the January, 2009 letter was appealed, and to determine whether letters were sent to the other three landlords. Ms. Weeks was not in, and Mr. Strayer left a message to call. **The call was never returned.**

February 23, 2009 Kerry Strayer called Bonnie Weeks again and left a message to call. **The call was never returned.**

March 4, 2009 Kerry Strayer went to Inspectional Services to speak to Bonnie Weeks about the enforcement status; Ms. Weeks was out sick. Mr. Strayer then e-mailed Larry Shaffer, with a copy to Ms. Weeks and the Select Board, advising that Ms. Weeks had not returned telephone calls or responded to e-mails, and requested immediate action. The e-mail requested that Inspectional Services enforce the January 8, 2009 cease and desist letter against the landlords of 227 East Pleasant Street and send notification to the other three landlords concerning the zoning violations. Almost immediately, Stephanie O'Keeffe e-mailed Mr. Strayer and advised that this matter will be added to the Select Board agenda for March 16, 2009. Ms. Weeks then called Mr. Strayer and advised that there was no appeal from the landlord of 219 East Pleasant Street, nor has the town followed through on enforcement. She also stated she sent a letter to the landlord of 227 East Pleasant Street and was preparing drafts to the other landlords. Mr. Shaffer then called Mr. Strayer.

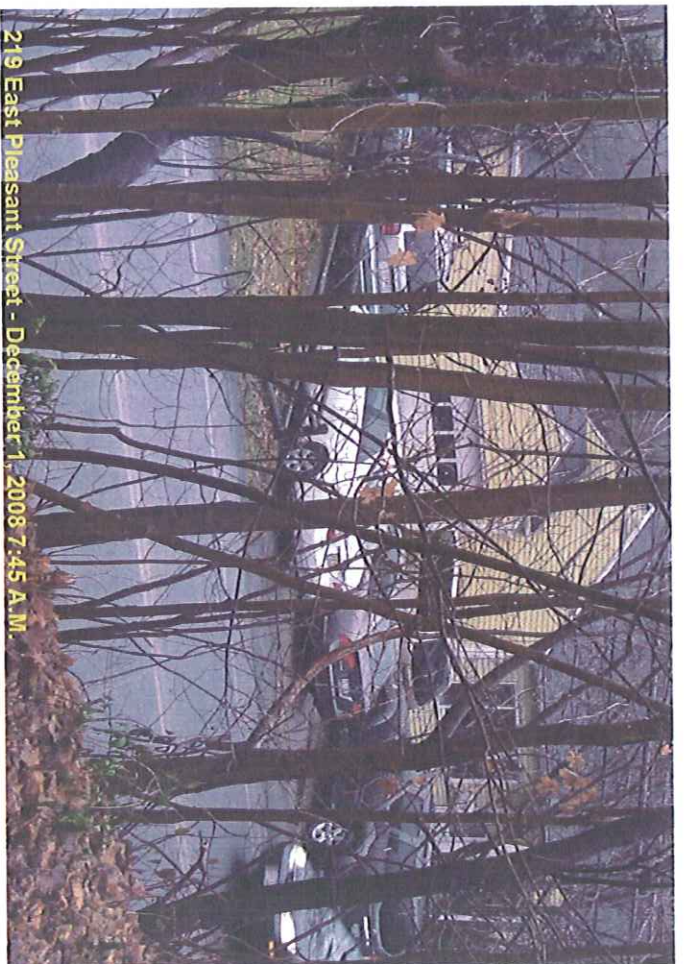
March 5, 2009 E-mail from Bonnie Weeks to Kerry Strayer with copies of letters sent to landlords of 227 East Pleasant Street (dated February 23, 2009) and 265 East Pleasant Street (dated March 5, 2009). **A copy of the February 23, 2009 letter had not previously been sent to Mr. Strayer, and no letter had yet been sent to the landlord of 289 East Pleasant Street.**



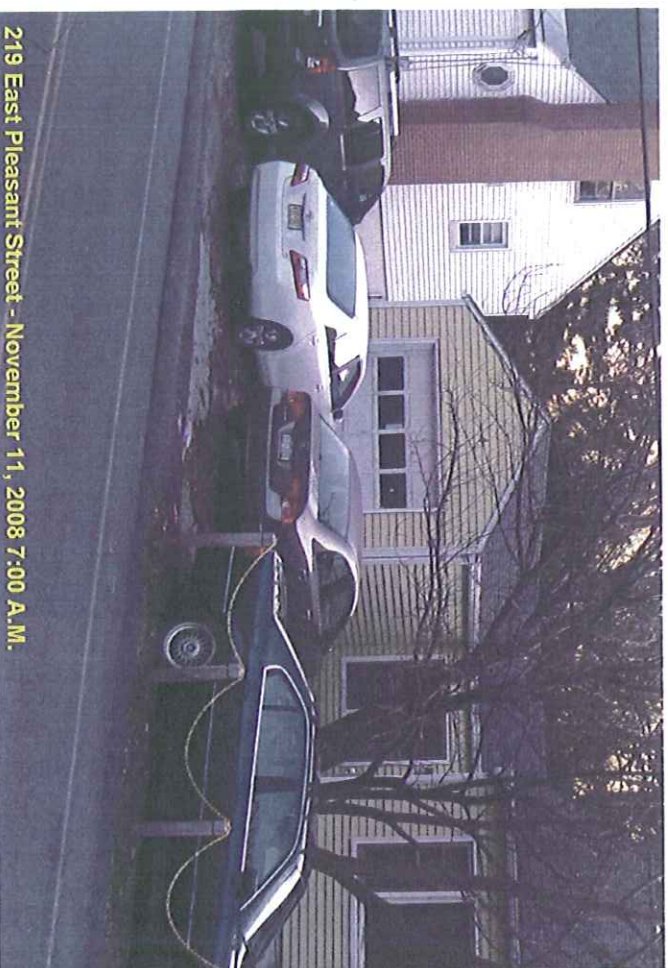
219 E. Pleasant St. - 4/08 + 5/08 (1)

219 E. Pleasant St. - 11/08 ~ 12/08

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219 East Pleasant Street - December 1, 2008 7:45 A.M.



219 East Pleasant Street - November 11, 2008 7:00 A.M.

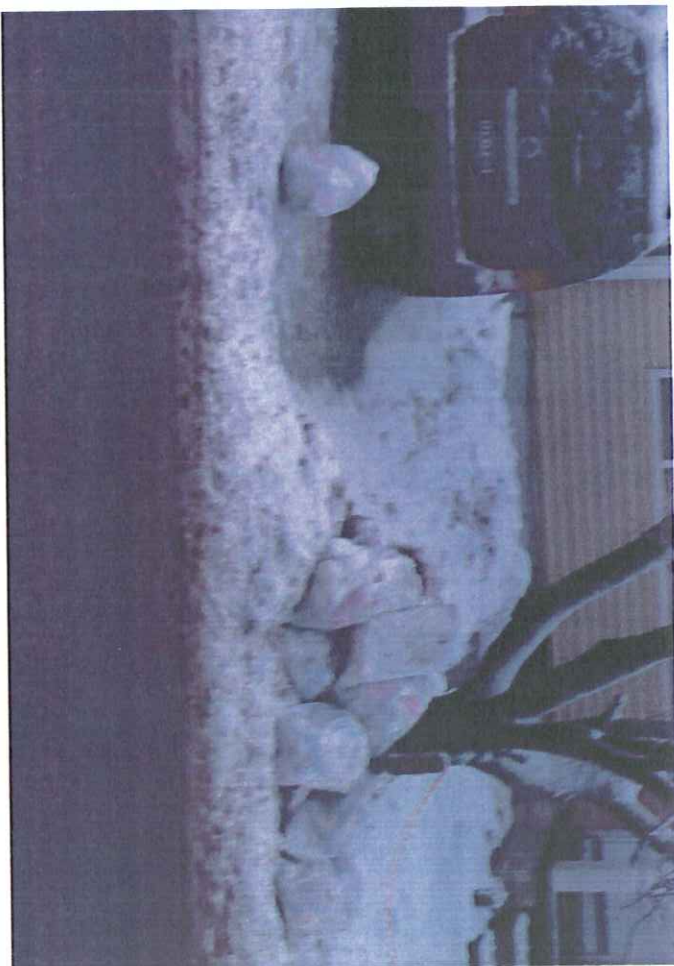
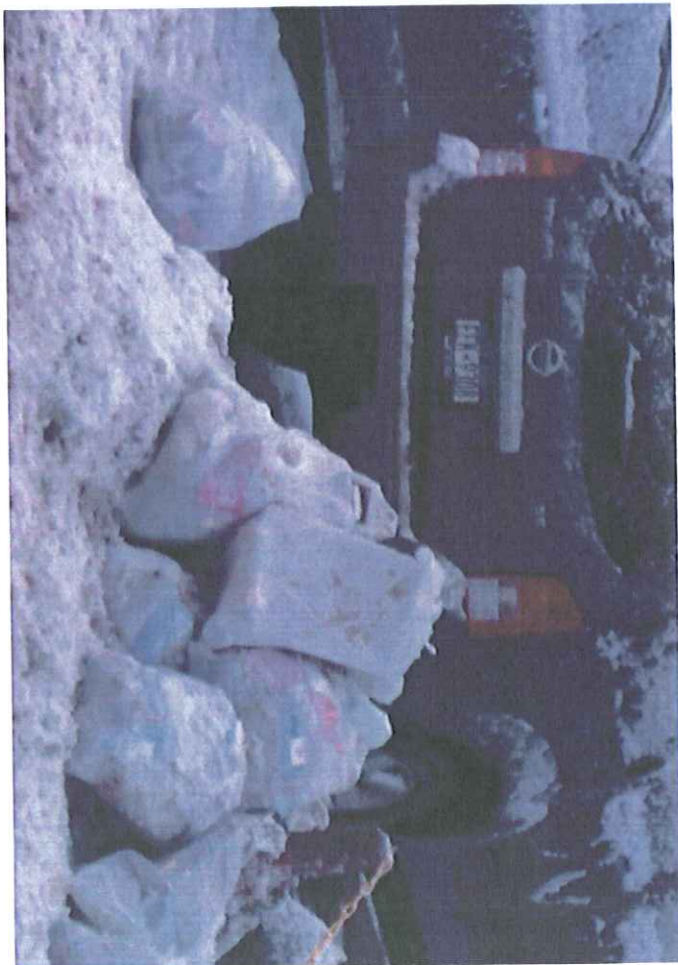


219 East Pleasant Street - December 3, 2008 7:00 A.M.

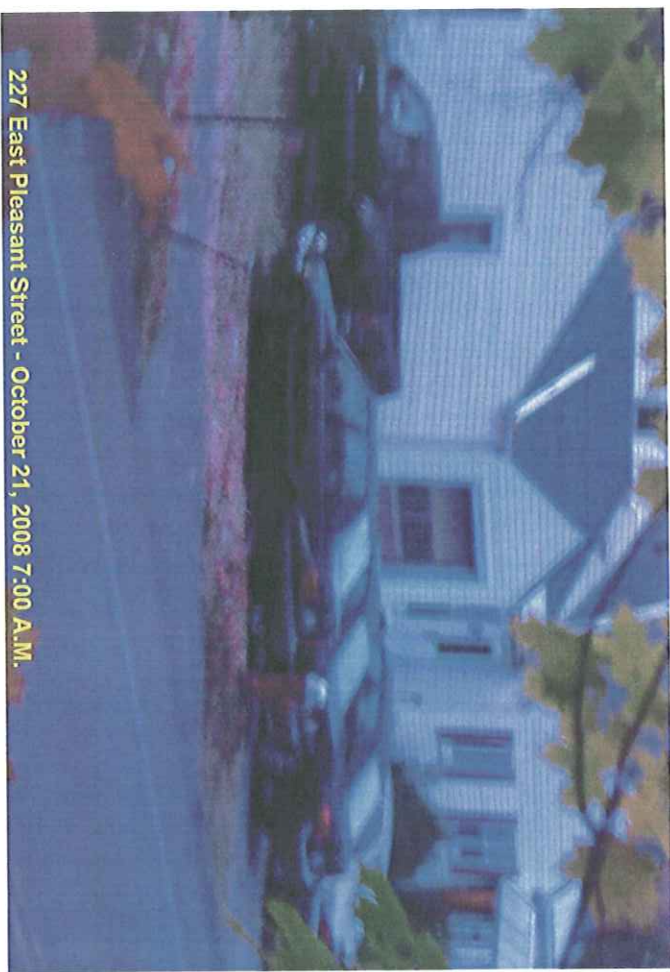


219 E. Pleasant St. - 1/09 & 12/08

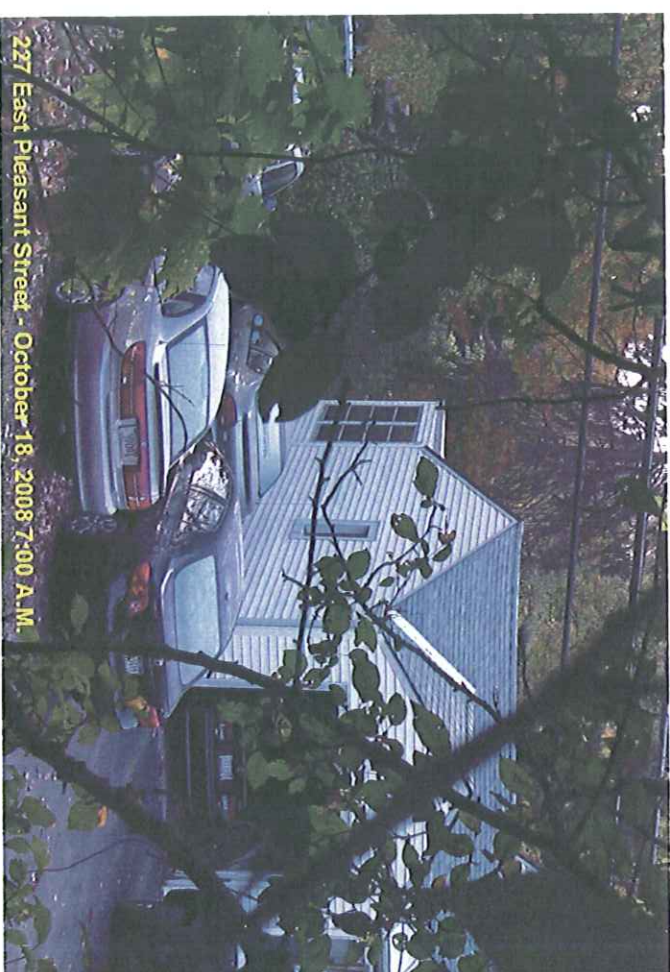
219 E. Pleasant St. - 2/19/09 & 2/20/09



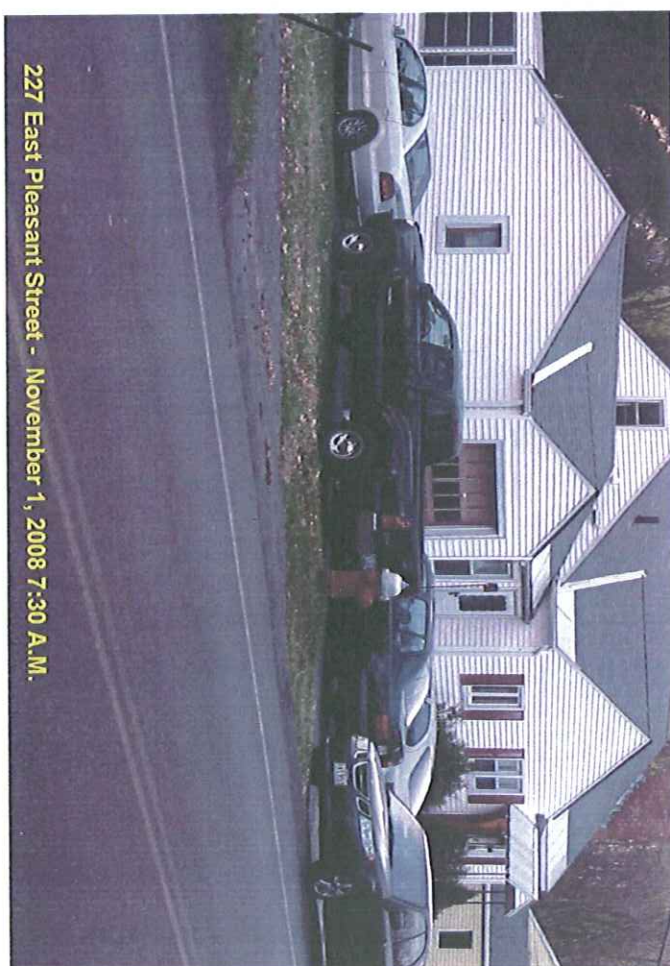
227 E. Pleasant St. - 10/08 & 11/08



227 East Pleasant Street - October 21, 2008 7:00 A.M.

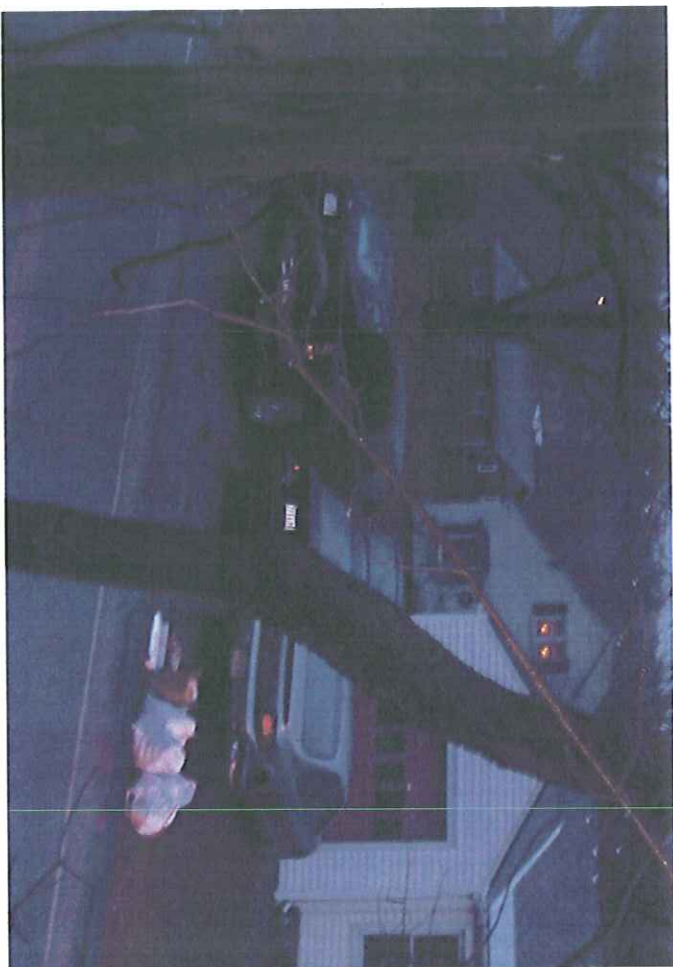


227 East Pleasant Street - October 18, 2008 7:00 A.M.

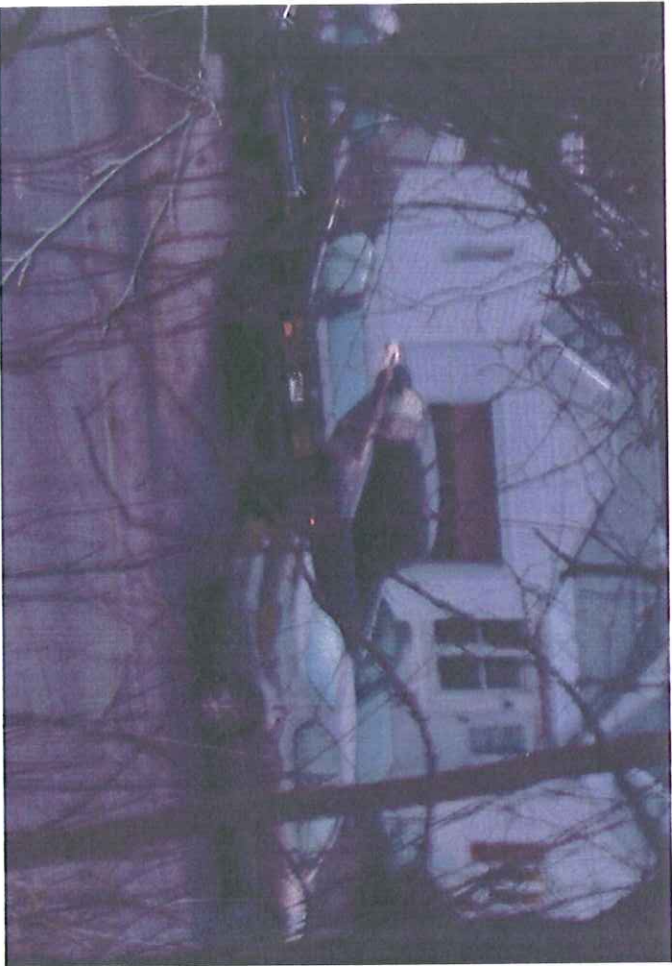
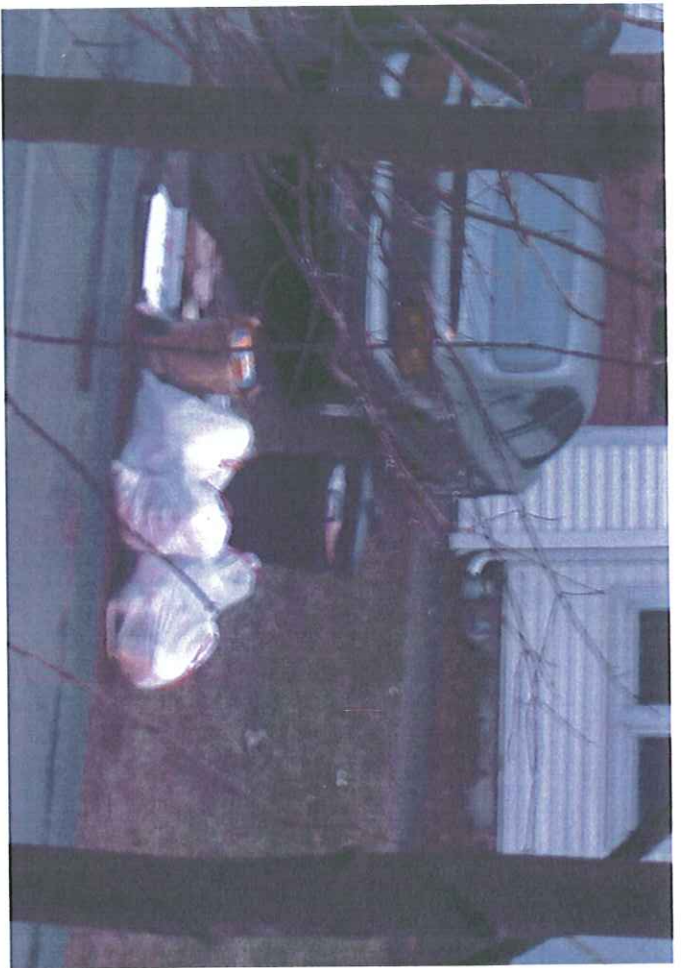


227 East Pleasant Street - November 1, 2008 7:30 A.M.

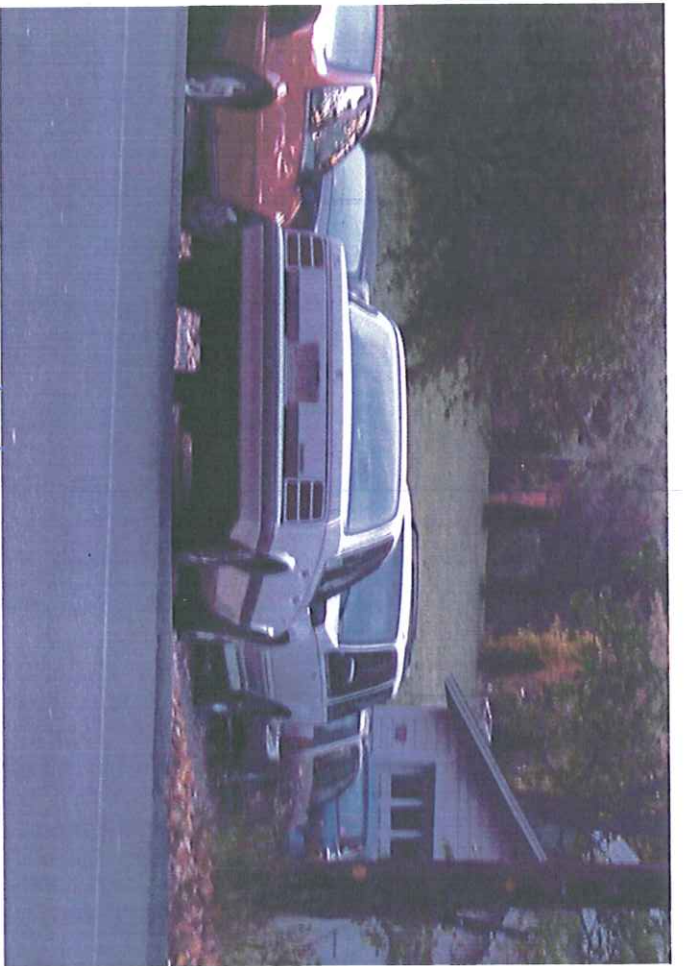
227 E. Pleasant St. - 12/08



227 E. Pleasant St. - 12/08 + 1/09



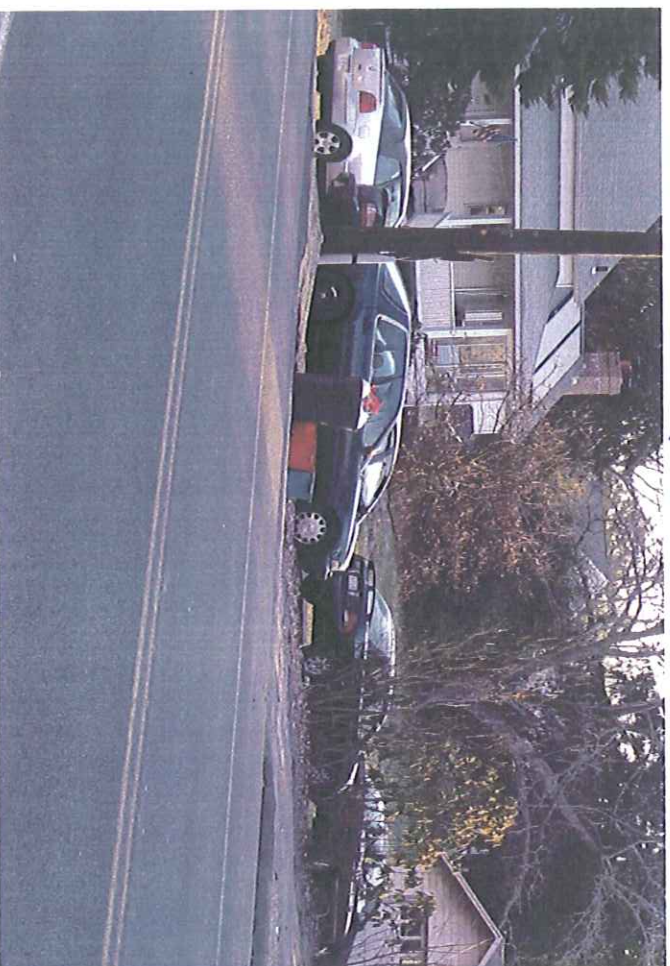
265 E. Pleasant St.



10/21/08



12/3/08



4/3/08



11/11/08



2/19/09

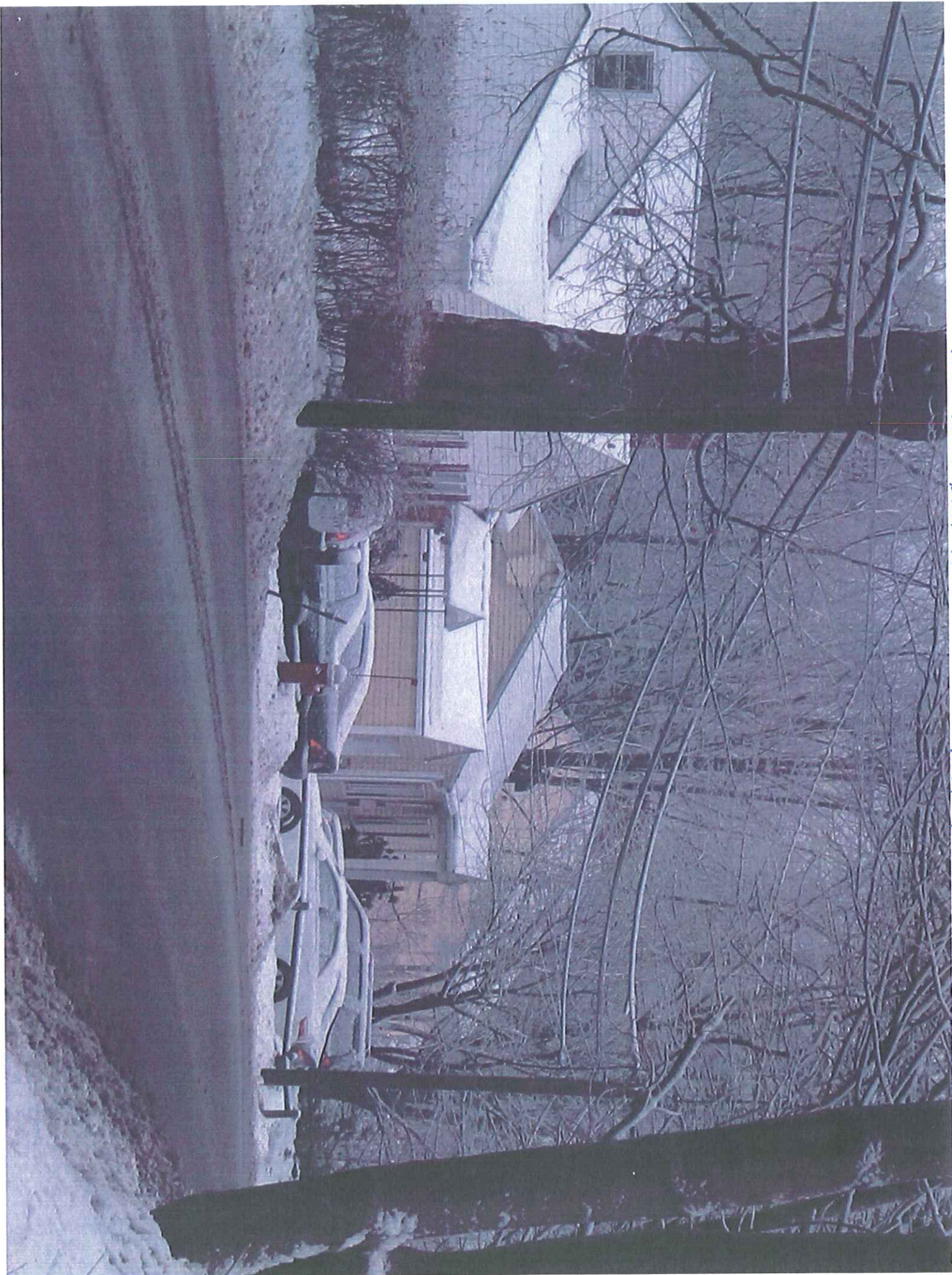
289 E. Pleasant St.



11/11/08

(9)

View down East Pleasant street 2/19/09



Town of



AMHERST *Massachusetts*

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

INSPECTION SERVICES DEPARTMENT
(413) 259-3030
(413) 259-3402 [Fax]
inspections@amherstma.gov

1/8/09

Agnes and James C. Ting, Trustees
112 High Point Drive
Amherst, MA 01002

Re: 219 East Pleasant Street, Amherst, MA
Certified Mail Receipt #: 7003 1010 0004 5858 8686

Dear Ms. Ting and Mr. Ting,

I have once again received a complaint that there are more than four people residing at 219 East Pleasant Street in Amherst.

A letter was sent in May of 2008 requesting the following information:

- Documentation, including a copy of the current lease, that no more than four unrelated individuals are residing in the single family house located at 219 East Pleasant Street in Amherst.
- A parking plan. The parking plan needs to detail the: number and location of parking spaces, size of the parking area(s), the approximate date the parking space was created, parking surface material, relation of the parking spaces to the lot lines and any screening provided.

The information requested was never provided.

In addition to the above information, an inspection of the premises was requested—you never scheduled an inspection with this office.

The May letter also served as a Cease and Desist Order from use and/or occupancy of the dwelling unit by more than four (4) unrelated individuals, the Cease and Desist Order was to

"remain in effect until such a time as the required permit for either an additional dwelling unit or for an occupant load of over four (4) unrelated individuals per dwelling unit, is obtained from the Zoning Board of Appeals (Sections 3 and 5 of the Town of Amherst Zoning Bylaws respectively)."

Agnes and James C. Ting,
Trustees
December 5, 2008
P. 2 of

You were also notified that:

In accordance with the Zoning Bylaw of the Town of Amherst failure to comply with this Cease and Desist order could subject you to the penalties as set forth in the Town of Amherst Zoning Bylaws, Section 11.45.

The letter also included information about your appeal rights.

Because you never appealed the Cease and Desist order during specified time and no Special Permits have been obtained to allow the increase of unrelated occupants to more than four, the Cease and Desist Order still stands.

Since we are currently between semesters you must provide evidence *at the beginning of the next semester*, January of 2009, that there are no more than four unrelated individuals living at 219 East Pleasant Street, or this case will be remanded to housing court.

Part of this evidence is to include a site visit/ inspection of the property by the Zoning Enforcement Officer of the Town of Amherst within 10 days of the start of the next semester.

In the May letter you were not cited for violations of the Town of Amherst Zoning By-laws for parking. You were provided with the parking regulations and plans were requested to determine compliance.

Recent pictures provided by the complainants clearly show the following violations of the parking regulations:

- There are/have been more than 2 cars parked within the front setback of the property
- There are/have been more than 5 cars parked on the site and these cars have not been screened from abutters

You are hereby ordered to Cease and Desist from parking more than two (2) cars within the front setback and from parking 5 or more cars in violation of the screening requirements of the by-law until or unless you :

- Provide sufficient documentation that the parking is grandfathered i.e. existed prior to the Zoning Change for parking requirements or
- You apply to the Zoning Board of Appeals and receive a waiver from the parking requirements as allowed in Section 7.9 of the Zoning By-laws.

You have the right to appeal the Cease and Desist order with respect to parking within 30 working days of the receipt of this letter in accordance with Section 11.4 of the Town of Amherst Zoning By-laws.

A copy of the May letter and copies of Sections 11.4 and 7.9 of the Town of Amherst Zoning By laws have been enclosed.

Please contact me with any questions you may have. Office hours are Monday through Friday 8:00 A.M. to 4:30 P.M.; the telephone number is 259-3030.

Sincerely,

A handwritten signature in cursive script that reads "Bonita J. Weeks".

Bonita J. Weeks
Building Commissioner
Town of Amherst

Encl: 8